

**United States District and Bankruptcy Court  
For the District of Idaho**

**FEDERAL RULES OF CIVIL PROCEDURE  
SUMMARY OF NEW RULES EFFECTIVE DECEMBER 1, 2001<sup>1</sup>**

**Rule 5 - Service and Filing**

Rule 5(b)(1) makes it clear that the provision for service on a party's attorney applies only to service made under Rules 5(a) and 77(d)

Rule 5(b)(2)(D) authorizes service by electronic means or any other means, but only if written consent is obtained from the person served. Service by electronic means is complete on transmission. Service under this section is not effective if the party making service learns that the attempted service did not reach the person to be served. This new language authorizes adoption of local rules providing for service through the court.

**Rule 6 - Time**

Rule 6(e) is amended to allow additional time (3 days) to respond when service is made under Rule 5(b)(2)(D). The additional time does not relieve a party who consents to service under Rule 5(b)(2)(D) of the responsibility to monitor the facility designated for receiving service and to provide prompt notice of any address change.

**Rule 65 - Injunctions**

A new subdivision (f) is added that explicitly brings copyright impoundment procedures within Rule 65 injunction procedures.

**Rule 77 - District Courts and Clerks**

Rule 77(d) is amended to reflect changes in Rule 5(b). This allows Courts by local rule, to give notice of entry of an order or judgment by electronic means on parties who consent to this procedure.

**Rule 81 - Applicability in General**

Rule 81 is amended primarily to conform with the abrogation of the Copyright Rules of Practice. Abrogation of the Copyright Rules leaves the Civil Rules fully applicable to copyright proceedings.

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<sup>1</sup> Summarized from material from the Administrative Office of the U.S. Courts. See full text for all the amendments.

**United States District and Bankruptcy Court  
For the District of Idaho**

**FEDERAL RULES OF BANKRUPTCY PROCEDURE  
SUMMARY OF NEW RULES EFFECTIVE DECEMBER 1, 2001<sup>2</sup>**

**Rule 1007 - Lists, Schedules and Statements; Time Limits**

Subdivision (m) is added to require a debtor to include in the list of creditors and schedules, the names, address and legal relationship of any representative upon whom process would be served in an adversary proceeding against a creditor who the debtor knows is an infant or incompetent person.

**Rule 2002 - Notices to Creditors, Equity Security Holders, United States and United States Trustee**

Rule 2002(c) is amended to ensure that a party entitled to notice of a hearing on confirmation of a plan is given adequate notice of any injunction included in the plan that would enjoin conduct not otherwise enjoined by the Bankruptcy Code.

Rule 2002(g) is amended to clarify that when a creditor or indenture trustee files a proof of claim which includes a mailing address and a separate request designating a different mailing address, the last paper filed determines the proper address, and a request designating a mailing address is effective only with respect to a particular case. The amendments also clarify that a filed proof of claim is considered a request designating a mailing address if a notice of no dividend has been given under Rule 2002(e), but has been superseded by a subsequent notice of possible dividend under Rule 3002(c)(5). A new paragraph has been added to ensure that notices to an infant or incompetent person are mailed to the person's legal representative identified in the debtor's schedules or list of creditors.

**Rule 3016 - Filing of Plan and Disclosure Statement in Chapter 9 or 11**

Rule 3016 is amended to ensure that entities whose conduct would be enjoined under a plan, rather than by the Bankruptcy Code, are given adequate notice of the proposed injunction by specific and conspicuous language in the plan and disclosure statements.

**Rule 3017 - Court Consideration of Disclosure Statement in Chapter 9 or 11**

Rule 3017 is amended to ensure that entities whose conduct would be enjoined under a plan—but who would not ordinarily receive copies of the plan and disclosure statement or information regarding the confirmation hearing because they are neither creditors nor equity security holders—are provided with adequate notice of the proposed injunction, the confirmation hearing, and the deadline for objecting to confirmation of the plan.

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<sup>2</sup> Summarized from material from the Administrative Office of the U.S. Courts. See full text for all the amendments.

### **Rule 3020 - Deposit; Confirmation of a Plan in Chapter 9 or 11**

Rule 3020 is amended to require notice in an order of confirmation to an entity subject to an injunction provided for in the plan against conduct not otherwise enjoined by the Bankruptcy Code. The amendment requires that notice of entry of the order of confirmation be mailed to entities subject to the injunction.

### **Rule 9006 - Time**

Rule 9006(f) which is similar to Civil Rule 6(e), provides an additional 3 days to act when a party is served by mail. Rule 9006(f) is amended to expand the 3-day rule to apply to any method of service, other than service by personal delivery—including service by electronic means authorized under amendments to Civil Rule 5(b).

### **Rule 9020 - Contempt Proceedings**

Rule 9020 is amended to delete provisions that delay for 10 days the effectiveness of an order of civil contempt issued by a bankruptcy judge and render the order subject to *de novo* review by the district court. Other procedural provisions in the rule are replaced with a statement that a motion for an order of contempt made by the United States trustee or a party in interest is governed by Rule 9014.

### **Rule 9022 - Notice of Judgment or Order**

Rule 9022(a) is amended to permit, under a local rule, the clerk to serve notice of entry of a judgment or order of a bankruptcy judge by any method of service, including service by electronic means, permitted under amendments to Civil Rule 5(b).